

RICK A. YARNALL
CHAPTER 13 BANKRUPTCY TRUSTEE
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E-FILED

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:
CARLA MOCTEZUMA

CASE NO: BKS-09-24694-LBR

CHAPTER 13

Hearing Date: December 10, 2009

Hearing Time: 1:30 pm

SANCHEZ LAW GROUP LTD
Attorney for the Debtor

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN #1
COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

The Trustee herein, Rick A. Yarnall, hereby objects to confirmation of Plan and hereby represents the following:

The debtor(s) filed for Chapter 13 relief on 08/12/2009. The 341(a) Meeting of Creditors held on September 22, 2009 at 1:00 pm was:

- concluded

The Trustee objects to confirmation of the Chapter 13 Plan for the following reason(s):

- Other: Trustee objects that plan distribution is not equal monthly payments pursuant to 11 U.S.C. §1325(a)(5)(B); Attorney to file Fee Application to establish basic service fees; 506(a) motion for collateral valuation to be completed prior to confirmation hearing; Objection to §6.02-6.10 as it does not comply with 11 U.S.C. §1325(a)(1); Objection to retaining rental property with negative cash flow
- Amendment(s) to Schedule(s)/SOFA: Sch J negative budget with Plan payment - provide for feasible budget; Statement of Financial Affairs #15 to list prior addresses;
- Amendment to B22(c): include child support income
- The debtor(s) has failed to cooperate with the Trustee [11 USC 521 (3)] as the following document(s) were not provided:
 - Bank statments: NFCU C&S: July
 - Other: Copy of rental agreement on debtor(s) current place of residence; Tender copies of all insurance policies to reflect Rick Yarnall, Trustee as an additional loss payee beneficiary

The Chapter 13 Trustee objects to the following line(s) on the Debtor's form B22(c) for the reason the amount stated therein is either incorrect or excessive and requires the debtor to provide documentation to support the claim;

- Line 4 - Part I. Rents and other real property income
- Plan Terms Incomplete: Sec 2.13.1
- Plan is not feasible [11USC 1322] due to: secured claims filed (resolve objection to confirmation of plan)
- Plan - Other issues: Objection to the alteration of standard language in Sec 5.03 in contradiction of statement that the verified statement that preprinted text of plan form as not been altered other than any changes stated in Sec 6.02

THEREFORE, the Trustee objects to confirmation for the foregoing reasons and recommends that this case be dismissed and that the Trustee be allowed administrative expenses in the amount of \$150.00 per quarter the case is pending.

Dated: December 03, 2009

/s/ Rick A. Yarnall

Rick A. Yarnall, Chapter 13 Trustee

CERTIFICATE OF NOTICEDistrict/off: 0978-2
Case: 09-24694User: heathkl
Form ID: pdf891Page 1 of 1
Total Noticed: 12

Date Rcvd: Dec 04, 2009

The following entities were noticed by first class mail on Dec 06, 2009.

db +CARLA MOCTEZUMA, 3990 EAST CAREY AVENUE #24, LAS VEGAS, NV 89115-5351
 cr +ONEWEST BANK, FSB, Malcolm Cisneros, 2112 Business Center Drive, Second Floor,
 Irvine, CA 92612-7135
 5124311 +Americas Servicing Co, Acct No 1061205317106, 7485 New Horizon Way,
 Frederick, MD 21703-8388
 5236606 +IndyMac Federal Bank, FSB, 460 Sierra Madre Villa Ave., Suite 101, Pasadena, CA 91107-2947
 5124313 +Maria Moran, 2250 North Lamb #A, Las Vegas, NV 89115-5476
 5124314 +Miguel Catalan, 6596 Rose Tree Lane, Las Vegas, NV 89156-7904
 5124315 +Nevada Oral and Facial Surgery, Acct No 703609, 6950 Smoke Ranch Road,
 Las Vegas, NV 89128-1300
 5124316 +Onewest Bank, Acct No 6681008767855, 6900 Beatrice Dr, Kalamazoo, MI 49009-9559
 5124317 +Ramon Garcia Reyes, 2250 North Lamb #D, Las Vegas, NV 89115-5476
 5124318 +Samuel Rojas, 2250 North Lamb #C, Las Vegas, NV 89115-5476
 5155348 +US BANK C/O, AMERICA'S SERVICING CO, ONE HOME CAMPUS, DES MOINES, IA 50328-0001

The following entities were noticed by electronic transmission on Dec 04, 2009.

5124312 +E-mail/PDF: gecsed@recoverycorp.com Dec 05 2009 00:10:22 Gemb/Discount Tires,
 Acct No 601918008230, Po Box 981439, El Paso, TX 79998-1439

TOTAL: 1

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr US BANK

TOTALS: 1, * 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 06, 2009

Signature:

